



**US Army Corps
of Engineers**
Louisville District ®

Public Notice

Public Notice No.
LRL-2015-486-mad

Open Date:
22 Jul 2016

Close Date:
22 Aug 2016

Please address all comments and inquiries to:
U.S. Army Corps of Engineers, Louisville District
ATTN: Mr. Matt Dennis, CELRL-OP-S, Rm 752
P.O. Box 59
Louisville, Kentucky 40201-0059

Phone: 502-315-6689

This notice announces an application submitted for a Department of the Army (DA) Permit, subject to Section 404 of the Clean Water Act:

APPLICANT: Brandon Flaherty
Louisville/Jefferson County Metropolitan Sewer District (MSD)
700 West Liberty Street
Louisville, KY 40203

AGENT: Redwing Ecological Services, Inc.
1139 South Fourth Street
Louisville, KY 40203

LOCATION: North side of Lexington Road, near the intersection with Grinstead Drive in Louisville, Jefferson County, Kentucky

Latitude: 38.247328
Longitude: -85.703748
7.5 Minute Quad: Louisville East

PURPOSE: To improve the water quality of Beargrass Creek by intercepting and conveying overflows from three combined sewage overflow (CSO) lines during large storm events into an off-line underground storage basin.

DESCRIPTION OF WORK: As part of a federal consent decree concerning sewer overflows, MSD has developed an Integrated Overflow Abatement Plan (IOAP). In the IOAP, MSD has outlined the designs and construction of approximately 13 storage basins throughout the metropolitan sewer system which would capture and store sewer overflows during wet weather events. The sewage would then be returned to the sewer system and treated once surcharging in the sewer has subsided. The proposed project would construct one storage basin.

The proposed I-64 and Grinstead CSO Basin Project would construct an 8.5 million gallon concrete rectangular underground basin which would collect combined sewage from CSOs 125, 127, and 166 and store the sewage until the existing Middle Fork Interceptor has capacity to accept the additional flow. In order to convey the flows from each CSO to the basin, a large diameter sewer would be constructed from the outface of each CSO to the basin.

The project would permanently impact 1.166 acres of palustrine emergent wetland (PEM), 1.307 acres of Palustrine forested wetland (PFO), and 830 linear feet (LF) (0.18 ac) of ephemeral stream. Additionally, temporary impacts would include 0.548 acres of PEM, 0.037 acres of PFO, 43 LF (0.001 ac) of ephemeral stream, and 103 LF (0.071 ac) of perennial stream. Impacts would result from the construction of the basin, the two CSO conveyance lines crossing Middle Fork Beargrass Creek, and a proposed stockpile location.

AVOIDANCE, MINIMIZATION, AND MITIGATION MEASURES: Six locations in the vicinity were evaluated as potential locations for the project. The project location was selected because the applicant determined it to be the least environmentally damaging and economically practicable alternative that met all design criteria. Three on-site designs were also evaluated to avoid impacts to the maximum extent practicable. Avoidance on-site would include two intermittent streams, two ephemeral streams, and two PFO wetlands.

Permanent impacts to the PFO and PEM wetlands, and temporary impacts to the PFO wetland would be mitigated through purchase of credits from an approved wetland mitigation bank if available, or payment into the Kentucky Department of Fish Wildlife Resources Stream and Wetland In-lieu Fee program. Ephemeral stream mitigation would include the construction of 2,535 LF of storm water conveyance lines to redirect storm water flows from CSOs to the proposed basin, and purchase of credits from the KDFWR Stream and Wetland In-lieu Fee Program. Temporary impacts to the PEM, Middle Fork Beargrass Creek, and the two ephemeral streams would be restored to preconstruction conditions. Temporary impacts to PFO would be restored as PEM and mitigated for temporal loss.

It is noted that this proposed mitigation plan is open to comment and subject to change. The Corps will make a determination of appropriate mitigation, upon review of all submitted information.

REVIEW PROCEDURES: A DA Permit cannot be issued if any legally required Federal, State, or local authorization or certification is denied. A DA permit, if otherwise warranted, will not be issued until a State of Kentucky Water Quality Certification or waiver is on file at this office. In order to comply with Section 401 of the Clean

Water Act, the applicant must apply for State certification from the Kentucky Energy and Environment Cabinet Division of Water (KDOW).

Copies of this notice are sent to the appropriate Federal and State Fish and Wildlife Agencies. Their views and comments are solicited in accordance with the Fish and Wildlife Coordination Act of 1956. Based on available information, the proposed activity will not destroy or endanger any Federally-listed threatened or endangered species or their critical habitats, as identified under the Endangered Species Act, and therefore, initiation of formal consultation procedures with the U.S. Fish and Wildlife Service is not planned at this time.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. A request for a public hearing must state the specific interest which might be damaged by issuance of the DA Permit.

The National Register of Historic Places has been examined, and it has been determined that there are no properties currently listed on the Register which would be directly affected by the proposed work. If we are made aware, as a result of comments received in response to this notice, or by other means, of specific archaeological, scientific, prehistoric, or historical sites or structures which might be affected by the proposed work, the District Engineer will immediately take the appropriate action necessary pursuant to the National Historic Preservation Act of 1966 - Public Law 89-665 as amended (including Public Law 96-515).

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered; among those are conservation, economics, aesthetic values, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use, navigation, recreation, water supply, water quality, energy needs, safety, food production, and in general, the needs and welfare of the public. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines (40 CFR Part 230) promulgated by the Administrator, United States Environmental Protection Agency, under authority of Section 404(b) of the CWA.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. It is presumed that all interested parties and agencies will wish to respond; therefore, a lack of response will be interpreted as meaning that there is no objection to the proposed

Operations Division
Regulatory Branch (South)
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project. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Written statements received in this office on or before the closing date will become a part of the official record and will be considered in the determination on this permit request. Any objections which are received during this period will be forwarded to the applicant for possible resolution before the determination is made whether to issue or deny the requested DA Permit. A permit will be granted unless its issuance is found to be contrary to the public interest.

Information pertaining to this application is available for public examination during normal business hours upon prior request. Drawings are available on Louisville District's Internet site at <http://www.lrl.usace.army.mil/Missions/Regulatory.aspx>. All comments regarding this proposal should be addressed to Mr. Matt Dennis, CELRL-OPF-S at the address noted above and should refer to the Public Notice Number LRL-2015-486-mad.

If you desire to submit your comments by email, you must comply with the following:

a) In the subject line of your email, type in **ONLY** the Public Notice ID No. LRL-2015-486-mad.

Example:

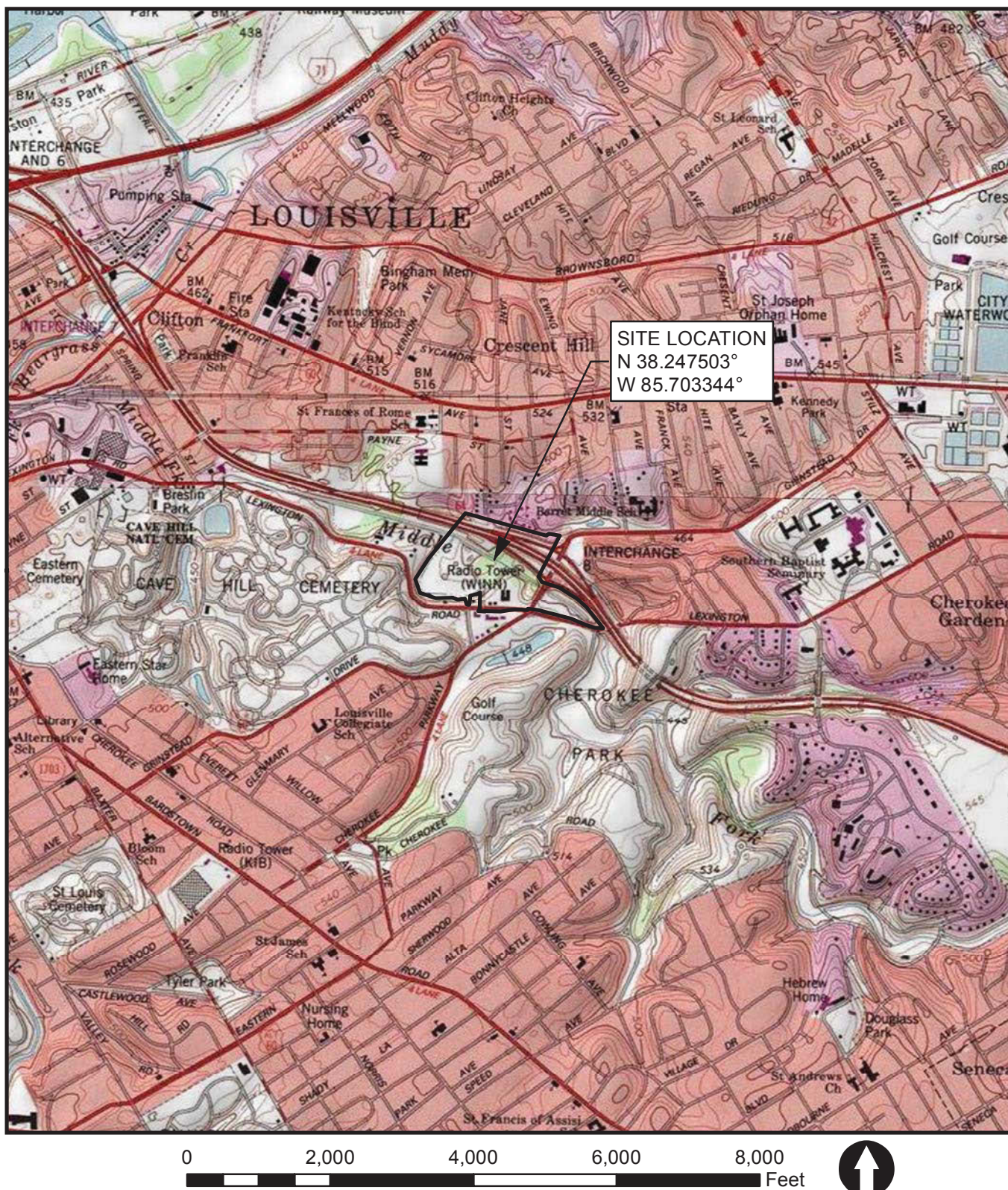
Subject: LRL-2015-486-mad

b) Provide your physical mailing address and telephone number.

c) Send your email to: lrl.regulatorypubliccomment@usace.army.mil.

d) If you are sending attachments greater than 1 Mb in size with your email, you must send a hard copy (CD or paper) to the Corps' physical address as well.

Source: USA Topo Maps, (2013) National Geographic Society, USGS 7.5-minute Topographic Map - Jeffersonville, Indiana and Louisville East, Kentucky Quadrangle.



I-64 AND GRINSTEAD CSO BASIN
JEFFERSON COUNTY, KENTUCKY

MSD
Metropolitan Sewer District

Louisville and Jefferson County
Metropolitan Sewer District
700 W. Liberty Street
Louisville, Kentucky 40203-1913
(502) 587-0603
www.msdlouky.org



SITE LOCATION MAP

REVISED DATE: 05-26-16 | DRAWN BY: BJD

FIGURE 1

Source: Esri and the GIS User Community (2014).



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AERIAL
PHOTOGRAPH MAP

FIGURE 2

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